

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOSEPH FLORES SANCHEZ,

Plaintiff,

v.

JOHN DOE, JOHN DOE,
WASHINGTON STATE
DEPARTMENT OF CORRECTIONS,
JOHN DOE, JANE DOE, MARGARET
GILBERT, JANE 1-3 DOE, DENNIS
CHERRY, MICHAEL CORNWELL,

Defendants.

CASE NO. 3:16-CV-05201-BHS-DWC

REPORT AND RECOMMENDATION

Noting Date: September 30, 2016

The District Court has referred this action filed under 42 U.S.C. § 1983 to United States Magistrate Judge David W. Christel. Plaintiff Joseph Flores Sanchez, proceeding *pro se* and *in forma pauperis*, initiated this civil rights action on March 17, 2016. *See* Dkt. 1. As Plaintiff has not kept the Court advised of his current address, the Court recommends dismissing this action without prejudice.

On June 27, 2016, a Court clerk mailed an Order to Plaintiff which directed Plaintiff to provide the names and addresses for several "Doe Defendants." *See* Dkt. 25. The mailing was returned as undeliverable on July 8, 2016. Dkt. 26. On July 13, 2016, the Court advised Petitioner if he failed to notify the Court of his current address by September 6, 2016 the

undersigned would recommend dismissal of this action pursuant to Local Rule 41(b)(2).¹ *See* Dkt. 27. A Court clerk mailed the July 13, 2016 Order and a July 26, 2016 Order to Plaintiff; both were returned to the Court marked “not here.” Dkt. 28, 29, 30. Plaintiff has not filed a pleading with the Court since May 5, 2016. *See* Dkt. 12, 13.

Petitioner has not keep the Court advised as to his current mailing address. Accordingly, pursuant to Local Rule 41(b)(2), the Court recommends dismissal of this action without prejudice for failure to prosecute. The Court also recommends all pending Motions be denied as moot.²

Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of de novo review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on September 30, 2016, as noted in the caption.

Dated this 9th day of September, 2016.



David W. Christel
United States Magistrate Judge

¹ Under Western District of Washington Local Rule 41(b)(2), a party proceeding pro se shall keep the Court and opposing parties advised as to his or her current mailing address. If mail directed to a pro se plaintiff by the Clerk is returned by the Postal Service, and if such plaintiff fails to notify the Court and opposing parties within 60 days thereafter of his or her current mailing address, the Court may dismiss the action without prejudice for failure to prosecute.

² The Court notes Defendants’ Motion for Summary Judgment is currently pending in this case. Dkt. 23. The Motion for Summary Judgment was mailed to Plaintiff at the same address from which the Court received the returned mail. *See* Dkt. 23, p. 16; 24, p. 2. Therefore, it appears Plaintiff did not receive notice of the Motion for Summary Judgment and the Court finds ruling on the merits of the Motion for Summary Judgment will not serve the ends of justice in this case.